

### Remarks

The present application was filed October 24, 2000 with original claims 1-14. In response to the first Office Action (Paper No. 7) mailed September 5, 2003, Applicant amended claims 1-6 and 12, and 13, cancelled claims 7-11 and 14, and filed new claims 15-24. The Office Action (Paper No. 9) mailed January 23, 2004 rejected claims 1, 2, 4, 12, 15, 17, 20, and 24 and objected to claims 2, 5, 6, 13, 16, 18, 19, and 21-23. In response, the Applicant amended claims 20 and 21 solely to more particularly point out and distinctly claim the novel subject matter of the present invention. Following a telephone interview, the Advisory Action of 5/13/2004 finally rejected claims 1, 2, 4, 12, 15, 17, 20, and 24 and objected to claims 3, 5, 6, 13, 16, 18, 19, and 21-23. Presently, the Applicant has amended independent claims 1, 12, 15, and 20 in accordance with the understanding of the basis for the rejection gained from the telephone interview. These remarks and amendments are proper, do not introduce new matter, and place the application in proper condition for reconsideration.

### Rejection of Claims Under 35 U.S.C. §103

The Office Action rejected claims 1, 2, 4, 12, 15, 17, 20 and 24 as being obvious over U.S. Patent No. 5,729,718 issued to Au ("Au '718") in view of U.S. Patent No. 5,912,782 issued to Lee ("Lee '782"). This rejection is respectfully traversed.

The Applicant gratefully appreciates the telephone interview granted in this case. The interview was very beneficial to prosecuting the merits of this case, because it was only after the interview that Applicant understood the basis for the rejection being that the

Examiner read the offset distance of the rejected claims onto the radial distance between an initial data cylinder and the target data cylinder.

Accordingly, the Applicant has amended the independent claims to more particularly point out and distinctly claim the novel subject matter of the present invention over the cited references. The amendments illustratively recite that the offset distance between the presently active head and the target head is "*with respect to a present data cylinder associated with the presently active head.*" This clearly distinguishes over the Examiner's reading the offset distance onto two data cylinders, namely, as between the present and the target data cylinders.

Claim 1

Au '718 and Lee '782 do not disclose or suggest the recited feature "*determining a radial positional offset between a presently active data transducer and a different, target data transducer, with respect to a present data cylinder operably associated with the presently active data transducer,....*"

For at least this reason, the cited references cannot sustain the Section 103 for lack of a prima facie case of obviousness; the cited references do not, alone or in combination, disclose or suggest all the features recited by the language of claim 1. Accordingly, the Applicant respectfully submits that the rejection of claim 1 as being obvious over Au '718 in view of Lee '782 is erroneous as a matter of law, and requests withdrawal of the rejection and allowance of claim 1 and the claims depending therefrom.

Claim 12

Au '718 and Lee '782 do not disclose or suggest the cited feature "*which accounts for radial positional offset distance between the presently active head and the associated target head, with respect to a present data cylinder operably associated with the presently active head,....*" For at least this reason, Au '718 and Lee '782 cannot sustain the Section 103 rejection for lack of a prima facie case of obviousness; the cited references do not, alone or in combination, disclose or suggest all the features recited by the language of claim 12. Accordingly, the Applicant respectfully submits that the rejection of claim 12 as being obvious over Au '718 in view of Lee '782 is erroneous as a matter of law, and requests withdrawal of the rejection and allowance of claim 12 and the claims depending therefrom.

Claim 15

Au '718 and Lee '782 do not disclose or suggest the recited feature "*determined in relation to a radial positional offset distance between the presently active data transducer and the target data transducer, with respect to a present data cylinder operably associated with the presently active data transducer,....*" For at least this reason, the cited references cannot sustain the Section 103 for lack of a prima facie case of obviousness; the cited references do not, alone or in combination, disclose or suggest all the features recited by the language of claim 15. Accordingly, the Applicant respectfully submits that the rejection of claim 15 as being obvious over Au '718 in view of Lee '782 is erroneous as a matter of law, and requests withdrawal of the rejection and allowance of claim 15 and the claims depending therefrom.

### Claim 20

Au '718 and Lee '782 do not disclose or suggest the recited feature "*determining a radial offset distance between a first data transducer adjacent a first data storage cylinder and a second data transducer, with respect to the first data storage cylinder,....*" For at least this reason, the cited references cannot sustain the Section 103 for lack of a prima facie case of obviousness; the cited references do not, alone or in combination, disclose or suggest all the features recited by the language of claim 20. Accordingly, the Applicant respectfully submits that the rejection of claim 20 as being obvious over Au '718 in view of Lee '782 is erroneous as a matter of law, and requests withdrawal of the rejection and allowance of claim 20 and the claims depending therefrom.

### Allowable Subject Matter

The Applicant gratefully acknowledges the indication of allowable subject matter in claims 3, 5, 6, 13, 16, 18-19, and 21-23. For the reasons above, however, the broader independent claims from which these claims depend are allowable. As such, the Applicant has elected not to place these dependent claims in independent form.

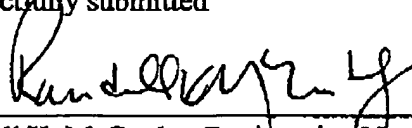
### Conclusion

The Applicant respectfully requests reconsideration and allowance of all of the claims pending in the application. This is a complete response to the Office Action (Paper

No. 9) mailed January 23, 2004. Should any questions arise concerning this response, the Examiner is invited to contact the below signed attorney.

Respectfully submitted

By:

  
Randall K. McCarthy, Registration No. 39,297  
Bill D. McCarthy, Registration No. 26,772  
Daniel P. Dooley, Registration No. 46,369  
Mitchell K. McCarthy, Registration No. 38,794  
Fellers, Snider, Blankenship, Bailey and Tippens  
100 N. Broadway, Suite 1700  
Oklahoma City, Oklahoma 73102  
Telephone: (405) 232-0621  
Facsimile: (405) 232-9659